

Appl. No. 09/976,312
Amdt. Dated July 23, 2003
Reply to Office Action of April 23, 2003

•• REMARKS/ ARGUMENTS ••

The present Preliminary Amendment is being filed together with a Request for Continued Examination of the above-identified application.

By the present Preliminary Amendment, independent claim 1 has been changed to recite that the substantially inelastic guide zones having upper terminal ends which terminate near the waist-opening and lower terminal ends that are spaced apart from the leg-openings.

Support for this structural language can be readily found in Figs 1 and 2.

Also by the present amendment, independent claim 1 has been changed to recite that the guide zones are configured to prevent portions of the disposable diaper in a vicinity of the substantially inelastic guide zones from stretching "along a direction parallel to the central longitudinal axis."

This change addresses and overcomes the outstanding rejection of the claims under 35 U.S.C. §112, second paragraph.

New dependent claim 8 has been added which recites that the upper terminal end of the inelastic zones are spaced apart from the waist opening.

Entry of the changes to the claims is respectfully requested.

Claims 1-8 are pending in this application.

In the Official Action of April 23, 2003 the Examiner rejected claims 1, 2 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,591,155 to Nishikawa et al.

Appl. No. 09/976,312
Amdt. Dated July 23, 2003
Reply to Office Action of April 23, 2003

In addition, the Examiner rejected claims 1, 3, 4, 6 and 7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No.4,940,464 to Van Gompel et al.

The Examiner has relied upon Nishikawa et al. as teaching substantially inelastic guide zones 52 and Van Gompel et al. as teaching inelastic guide zones 28.

In Nishikawa et al. the seal sections 52 extend into the leg-openings.

In Van Gompel et al. the intermediate members 28 extend into the leg-openings.

Applicants' independent claim 1, as amended herein requires that the inelastic guide zones have lower terminal ends that are spaced apart from the leg-openings. The reason for this configuration is to avoid adversely affecting the function of the elastic members that are provided in the waist-opening and the leg-openings.

Neither Nishikawa et al. nor Van Gompel et al. teach the structural limitations of applicants' claimed invention nor appreciates the functional differences that are directly related to the structural differences.

Accordingly, Neither Nishikawa et al. nor Van Gompel et al. anticipate nor otherwise render obvious applicants' claimed invention.

Entry of the present Preliminary Amendment and an early examination of the application are earnestly solicited.

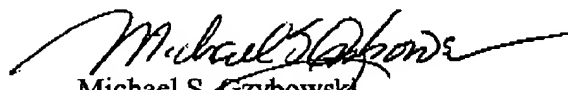
It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

Appl. No. 09/976,312
Amdt. Dated July 23, 2003
Reply to Office Action of April 23, 2003

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110